IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 3175 of 2004

Between:

1 A.V.Ramanjenyulu Reddy, S/o.A.V.Narappa,
C/o. D.Ananda Rajan, R/o.D.No.3/1645, Siyanupuram, Cuddapah.
2 K.Nagaraju, S/o.Pedda Hussainaiah,
R/o.Guttapadu (V), Varvakal (M), Kurnool District.
3 Bojja Rathnamma, D/o.B.Bheemanna, R/o.H.No.19-45/A, Behind Venkateswara Temple, Pathikonda (P), Kunrool District.
4 N.Raja Shekar Reddy, S/o.Srinivasa Reddy,
C/o. APSWR/JC, Singoor, Medak District.
5 G.Ramchander, S/o.Laxmaiah,Aged 39 years, Health Supervisor, APSWR ITI FOR BOYS, Hathnoor, Medak District..... **PETITIONERS**

AND

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary to Government, Social Welfare Department, Secretariat, Hyderabad.
2 The Andhra Pradesh Social Welfare Residential Educational Institutional Society rep. by its Secretary,
Social Welfare Offices Complex, Masab Tank, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly one in the nature of Writ of Mandamus declaring action of the respondents in not absorbing the petitioners in the regular vacancies in terms of Clause SSO.40/96 is illegal and arbitrary; (ii) declaring the notification No.R1/20591/2002 dated 30-6-2003k and consequential selection of the candidates for recruitment of resident teachers (Trained Graduate Teachers) on regular basis before regularization of the contract teachers who have put in 5 years and above service is illegal and arbitrary; (iii) direct the respondents to regularize the contract teachers including the petitioners 2 to 15 in terms of SSO.No.40 of 1996 dated 11-12-1996 in the existing regular posts of Resident Teachers (Trained Graduate Teachers);

Counsel for the Petitioners: MR.G.RAVI MOHAN

Counsel for the Respondent No.: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

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The petitioners, who are working as Teachers on contract basis, filed the writ petition to declare the action of the respondents in not absorbing them in the regular vacancies in terms of Clause SSO.40/96 as illegal and to declare the Notification No.R1/20591/2002 dated 30.6.2003 in recruiting the Teachers directly on regular basis ignoring Contract teachers, who have put more than eight years of service, and to direct the respondents to regularize them in the regular vacancies.

This Court by its order dated 22.3.2004 directed the respondents not to discontinue them till the disposal of the writ petition and further directed that the recruitment contemplated under the Notification No.R1/20591/2002 dated 30.6.2003 may go on and the same shall not finalise until the disposal of the writ petition.

Against the similar interim order, the respondents filed W.A. No.350 of 2004 and the said Writ Appeal was disposed of by the Division Bench of this Court on 23.2.2004. Learned counsel appearing for both the parties submitted that the issue raised in this writ petition squarely covered by the aforesaid judgment, and therefore, the writ petition may also be disposed of accordingly.

It is stated that the proposal had been submitted to the Government by the Respondent-Society through its letter dated 13.8.2002 for examining the possibility of regularization of services of contract teachers and seeking permission to fill up certain regular vacancies on regular basis as well as permission to regularize the teachers on contract. The Government, however, through letter dated 21.8.2002 directed to fill up only 50% vacancies on regular basis and the remaining vacancies on contract basis. It was also stated that on the proposal for regularization of contract teachers no orders have yet been communicated to the society by the Government.

Admittedly, the teachers on contract basis continued for the last more than eight years continuously and in the meanwhile process to fill up 50% vacancies has commenced which gave rise to grievance by the teachers employed on contract basis on the ground of legitimate expectation of being regularized.

Therefore, it is appropriate to direct the Government to consider the proposal submitted by the Society for regularization of the services of the contract teachers

against the existing vacancies by suggesting a formula or scheme and such a decision may be taken within three months from the date of receipt of a copy of this order and the decision may be communicated to the Society so as to avoid unnecessary hardship to teachers employed on contract basis.

The writ petition, with the above directions, is disposed of. No order as to costs.

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V. ESWARAIAH, J

Date : July 22, 2004.

Note:

Issue CC tomorrow.

(B/o)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Government of Andhra Pradesh, Rep. by its Principal Secretary to Government, Social Welfare Department, Secretariat, Hyderabad.
2 The Andhra Pradesh Social Welfare Residential Educational Institutional Society rep. by its Secretary,
Social Welfare Offices Complex, Masab Tank, Hyderabad.

3 Two CCs to Government Pleader for Social Welfare, High Court Buildings,

Hyderabad (OUT)

4 Two CD copies.